

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JAIME HAWN,	)	
	)	
	)	
Plaintiff,	)	
	)	Case No. 1:19cv220-MRB-SKB
vs.	)	
	)	Magistrate Judge Stephanie K. Bowman
	)	
	)	
VITAS HOSPICE SERVICES, L.L.C.,	)	
	)	
Defendant.	)	
	)	

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**DEFENDANT VITAS HOSPICE SERVICES, L.L.C.’S MOTION TO QUASH  
SUBPOENA, OR IN THE ALTERNATIVE, MOTION FOR A PROTECTIVE ORDER**

Pursuant to Rules 26 and 45(d) of the Federal Rules of Civil Procedure, and for the reasons discussed in its Memorandum, Defendant Vitas Hospice Services, L.L.C. (“Vitas”), respectfully requests that the Court quash, prevent, or limit Plaintiff’s improper subpoena issued to AT&T on July 6, 2020. First, the subpoena is facially deficient because Plaintiff failed to provide notice to Vitas *before* she issued the subpoena to AT&T. Fed. R. Civ. P. 45(b)(1). Second, Plaintiff’s subpoena, which requests the contents of *all* text messages and email communications from the cell phones of seven Vitas employees from July 1, 2016-October 31, 2018, requires the potential disclosure of privileged or protected materials and seeks information that is irrelevant to Plaintiff’s claims. Fed. R. Civ. P. 45(d)(3)(A)(iii). Finally, disclosure of the contents of text messages would violate the Stored Communications Act. 18 U.S.C. § 2702(a).

Accordingly, for the reasons discussed further in the accompanying memorandum, Plaintiff's subpoena should be quashed or limited. Vitas therefore respectfully requests that the Court grant its motion.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on the date below, a true copy of this document was served by electronic mail on all counsel of record via CM/ECF.

Dated: July 20, 2020

/s/ Gregory A. Harrison  
Gregory A. Harrison